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March 13, 2012

**MEMO ENDORSED**The Honorable William H. Pauley  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2210  
New York, NY 10007-1312**RECEIVED**  
**MAR 14 2012**CHAMBERS OF  
WILLIAM H. PAULEY  
U.S.D.J.USDC SDNY  
DOCUMENT 212 953-6677  
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ELECTRONICALLY FILED  
JESSICA.B.PULLIAM@BAKERBOTTS.COM  
DOC #:  
DATE FILED: 4/2/12Re: *In re Smith Barney Transfer Agent Litigation*, 05 Civ. 7583 (WHP)

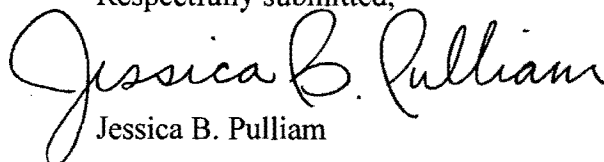
Dear Judge Pauley:

On January 25, 2011, this Court dismissed the section 10(b) and 20(a) claims against Defendant Thomas Jones. At a February 16, 2011 hearing following this Court's dismissal order, the Court stated that Mr. Jones was "out of the case." Feb. 16, 2011 Tr. at 12. Accordingly, on February 28, 2011, the Court granted Mr. Jones's request to be relieved from the deadline for responding to former lead plaintiff's amended complaint.

Thereafter, the parties engaged in extensive discovery in which Mr. Jones did not participate, and plaintiffs amended their claims twice without reasserting any claim against Mr. Jones. On January 17, 2012, this Court entered an order allowing new lead plaintiff to further amend the complaint. Despite this Court's previous dismissal order and expectation that Jones would be "out of the case," Plaintiffs' Fourth Consolidated and Amended Class Action Complaint asserts claims against Mr. Jones.

I thus write respectfully to request a telephone hearing to discuss the re-assertion of previously dismissed claims against Mr. Jones and the need, if any, for Mr. Jones again to seek dismissal of the claims against him.

Respectfully submitted,



Jessica B. Pulliam

cc: (by email)

Mark Levine  
Patrick Slyne  
Richard A. Acocelli  
Michael A. Rogovin  
Brad Lakin

Application granted. The parties are directed to participate in a telephone conference with the Court on April 3, 2012, at 3:00 pm. Counsel should provide the Court with dial-in information prior to the conference.

SO ORDERED:

DAL01:1194929.1

  
 WILLIAM H. PAULEY U.S.D.J. 3/30/12

**BAKER BOTTS**<sub>LLP</sub>

The Honorable William H. Pauley

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